

Appl. No. 09/886,675
Amd. Dated July 5, 2005
Reply to Office Action of May 3, 2005

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

Of previously pending claims 1-18, all were rejected. Independent claim 6 has been amended to make the claim consistent with independent claims 1, 11 and 15, which also have been amended to address the Examiner's rejection of the claims below. The language, "wherein all of a carrier of said modulated signal is within a passband of said bandpass filtering," or something similar, is now included in all of the independent claims.

Despite the previous amendment of independent claims 1, 11 and 15 by Amendment A of May 21, 2004, the rejection of the claims was maintained. That is, claims 1-18 were rejected under 35 U.S.C. 103(a) for obviousness as being unpatentable over U.S. Patent App. Pub. No. 2002/0075546, S.M. Webb inventor; in view of U.S. Patent No. 5,007,705, which issued April 16, 1991 to W.W. Morey *et al.* In response to the applicant's arguments accompanying the amended claims, the Examiner stated:

...The applicant argues that the newly added limitation distinguishes the claimed invention from the prior art by allowing the carrier of the modulated signal to be within a passband of the optical filter. However, the examiner disagrees. The combination of references, when given the broadest reasonable interpretation, teach this combination. For example, a carrier of the modulated signal clearly lies within the passband of the optical filter otherwise the entire signal would be blocked from transmission through the filter. Furthermore, the applicant recognizes a certain percentage of the carrier signal propagates through the filter, therefore rendering the applicant's argument moot.

In response to the applicant's argument that the references fail to show certain features of the applicant's invention, it is noted that the features upon which the applicant relies (i.e., that more than 50% of the carrier signal is allowed to propagate through the filter) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the

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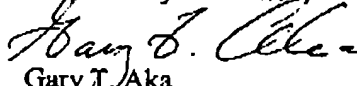
specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response, the applicant has amended independent claims 1, 6, 11, and 15 to better claim and specifically point out the subject matter to which he is entitled. The amended claims recite that "...all of a carrier of said modulated signal is within a passband of said bandpass filtering...". In contrast, the cited Webb patent application teaches, "...a notch filter arranged so that the rising edge of the transmission profile of the filter is at the same wavelength as the centre of the modulated wavelength spectrum 22. The wavelength at this point is effectively a cut-off wavelength for the optical spectrum so that wavelengths above this value are transmitted whereas wavelengths below this value are not. This relationship between the wavelength spectrum of the optical modulator and the transmission profile of the optical filter will ensure that substantially half the optical spectrum will be transmitted (the half having wavelengths greater than the cut-off wavelength) whereas half the optical spectrum will be reflected (the half having wavelengths less than the cut-off wavelength)." Paragraph 32. Hence only a portion of the carrier of the modulated signal is within the passband.

Hence independent claims 1, 6, 11 and 15 are patentably distinguishable over the cited prior art and should be allowed. Claims 2-5, 7-10, 12-14 and 16-18 should also be allowable for at least being dependent upon allowable base claims.

Therefore, in view of the amendments above and the remarks directed thereto, the applicant respectfully requests that all rejections be withdrawn, that claims 1-18 be allowed and the case be passed to issue. If a telephone interview would expedite the prosecution of this case in any way, the Examiner is requested to telephone the undersigned at (408) 868-4088.

Respectfully submitted,


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